THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.6723 of 2001

Dated : 01.08.2007

Between:

Gumpina Krishna Rao S/o late G.V.P.Sarveshwar Rao
and others.

..... PETITIONERS

And:

The Assistant Engineer (Settlement),
South Eastern Railway, Visakhapatnam
and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.6723 of 2001

ORDER:

This writ petition is filed seeking a declaration that the action of respondents 1 and 2 in threatening the petitioners to evict from the plots/shed in their occupation situated at South Eastern Railway Market, Allipuram area of Visakhapatnam and insisting upon them to pay abnormal enhanced licence fee of Rs.4,300/- per annum from the existing licence of Rs.888/- per annum, without issuing any notice, is arbitrary and illegal and for a consequential direction to the respondents to renew the licences of the petitioners for the plots/shops in their occupation on the mutually agreed licence fee.

While issuing rule nisi on 11.04.2001, this Court, after hearing learned counsel for the petitioners and Sri Gowri Shankar Sanghi, learned standing counsel for South Central Railways, passed the following order:

> "Pending further orders, the respondents shall not take any coercive action against the petitioners for evicting them from the respective plots/shops earlier granted on lease to them by the respondents situated at South Eastern Railway Market, Allipuram area of Waltair Railway Station.
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> However, this order shall not preclude the respondents from issuing the demand notices, if any, requiring payment of licence fee from the petitioners. It shall be open to the petitioners to file their objections after such notices are issued to them. This order also shall not preclude the respondents from recovering the arrears of licence fee, if any liable to be paid by the petitioners."

From the above said order, it is clear that the respondents shall not take any coercive steps against the petitioners without issuing any notice to them, and on receipt of such notices, petitioners shall file objections, and if they are not satisfactory, respondents shall recover arrears of licence fee.

In the light of the said interim order, this court is of the view that no further orders are need to be passed in this writ petition.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

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sh 01.08.2007